

BOBBY JINDAL
Governor



HAROLD LEGGETT, Ph.D.
Secretary

Louisiana Department of Environmental Quality Office of Environmental Compliance

Certified Mail No: 7003 2260 0000 5825 6879

Mr. Granta Y. Nakayama
Assistant Administrator
Office of Enforcement and Compliance Assurance
Mail Code: 2201A
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Re: Request to Further Extend the No Action Assurance Letters

Dear Mr. Nakayama:

The State of Louisiana and the Louisiana Department of Environmental Quality (the Department) continue to take great strides in our progress towards recovery and rebuilding efforts in the parishes devastated by Hurricane Katrina. The State's recovery efforts continue to be driven by the demolition of damaged homes and structures in New Orleans and the surrounding parishes. As you are aware, the Department's continued regulation and monitoring of demolition efforts are directly linked to the No Action Assurances (NAAs) provided by EPA. As stated in our previous requests for extension of the NAAs, we deeply appreciate the continued support of the EPA in this matter.

To date, our regulatory oversight has not indicated any significant issues with the ongoing demolition activities. In fact, perimeter asbestos air monitoring has been conducted for 94.7% of the 4,842 regulated asbestos containing material (RACM) demolitions within the Hurricane Katrina affected parishes (see Attachment 1). None of the perimeter asbestos air monitoring has revealed any exceedance of the Occupational Safety and Health Administration's (OSHA) time-weighted average (TWA) limit.

As of February 12, 2008, the Department estimates that approximately 13,000 residences have been demolished under the scope of the previous NAAs; however, an estimated 12,000 to 15,000 homes remain to be demolished in Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, and Plaquemines Parishes. While local government officials continue to address demolition activities in the aforementioned parishes and the Department continues regulatory oversight, we must once again request an extension of the NAA through August 29, 2008. Also, please consider that the Federal Emergency Management Agency (FEMA) has extended the Interagency Agreement between FEMA and the EPA which assures the same level of oversight as utilized under the prior NAAs. Furthermore, note that FEMA has requested an extension of the NAAs in their letter dated February 19, 2008 (see Attachment 2).

If you have any questions regarding this matter, please do not hesitate to contact me. Also, please free to contact Dwight Bradshaw at (504) 736-7714 should you have questions or need additional information.

Sincerely,



Peggy M. Hatch
Assistant Secretary

PH:JTN

Attachments:

- Attachment 1: Graph of Asbestos Monitoring Activities
- Attachment 2: Extension from FEMA to EPA

c:

U.S. Senator Mary Landrieu
724 Hart Senate Office Building
Washington, DC 20510

500 Poydras Street, Room 1005
New Orleans, LA 70130

U.S. Senator David Vitter
516 Hart Senate Office Building
Washington, DC 20510

2800 Veterans Blvd., Suite 201
Metairie, LA 70002

U.S. Representative Charles Boustany, 7th District
1117 Longworth House Office Bldg
Washington, DC 20515-1807

700 Ryan Street
Lake Charles, LA 70601

U.S. Representative William Jefferson, 2nd District
2113 Rayburn House Office Building
Washington, DC 20515

500 Poydras Street, Room 1012
New Orleans, LA 70130

U.S. Representative Charlie Melancon, 3rd District
404 Cannon House Office Bldg
Washington, DC 20515-1807

8201 W. Judge Perez Dr.
Chalmette, LA 70043

Louisiana State Senator Troy Hebert
State Capitol, P.O. Box 94183
Baton Rouge, LA 70804

Louisiana State Representative Gordon E. Dove Sr.
State Capitol, P.O. Box 94062
Baton Rouge, LA 70804-9032

Mr. Larry Starfield, Deputy Regional Administrator
U.S. EPA Region 6 (Mail Code: 6RAD)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Granta Y. Nakayama, US EPA
NAA Extension Request – February 2008
AI Nos.: 130534 and 131019
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Mr. John Blevins, Director

Compliance Assurance and Enforcement Division
U.S. EPA Region 6 (*Mail Code:* 6EN)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Mr. Eddie Williams

Federal Emergency Management Agency
Debris and Demolition
One Seine Court
New Orleans, LA 70114

Mayor C. Ray Nagin

New Orleans City Hall
1300 Perdido Street
New Orleans, LA 70112

Mr. Craig Paul Taffaro

St. Bernard Parish President
8201 W. Judge Perez Dr
Chalmette, LA 70043

Mr. Kevin C. Davis

St. Tammany Parish Council President
P.O. Box 628
Covington, LA 70434

Mr. William Nungesser

Plaquemines Parish Council President
106 Avenue G
Belle Chasse, LA 70037

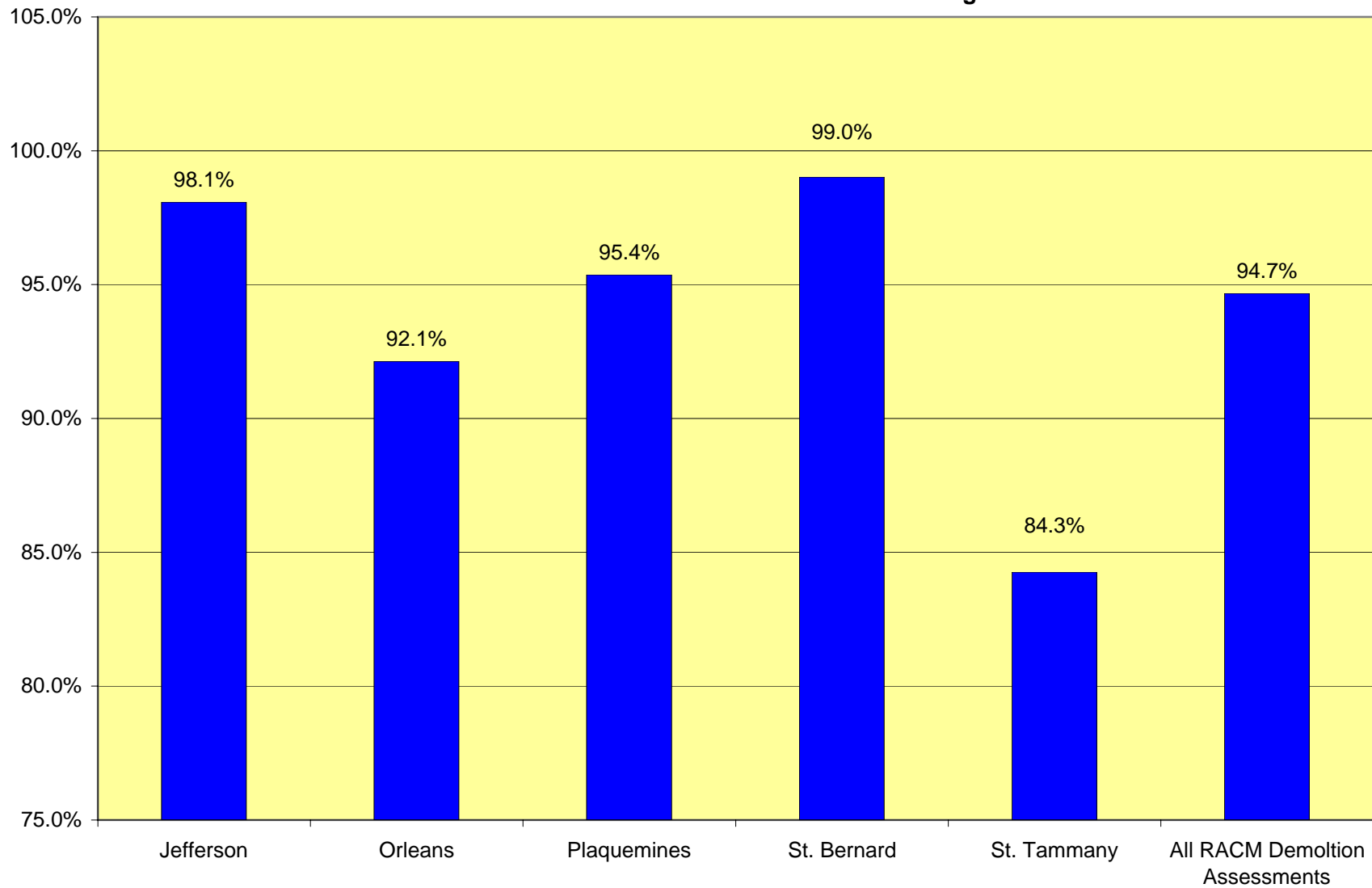
Mr. Aaron F. Broussard

Jefferson Parish Council President
P.O. Box 9
Gretna, LA 70054

Percentage of RACM Demolitions with Asbestos Air Monitoring : 94.7% - March 27, 2006 to February 9, 2008

Total RACM Demolitions: 4842

Total RACM Demolitions with Asbestos Air Monitoring: 4584



U.S. Department of Homeland Security
Louisiana Transitional Recovery Office
One Seine Court
New Orleans, LA 70114
(504) 762-2018 office
(504) 762-2899 fax



FEMA

February 19, 2008

Mr. Sam Coleman
Superfund Division Director
EPA Region 6 (6SF)
1445 Ross Avenue
Dallas, Texas 75202

Re: Interagency Agreement Extension for Environmental Protection Agency (EPA)
Hazardous Waste Removal

Dear Mr. Coleman:

This is in response to recent concerns raised by the Louisiana Department of Environmental Quality (LDEQ) in an email dated January 30, 2008. LDEQ is requesting that the current Interagency Agreement (IAA) between the Federal Emergency Management Agency (FEMA) and the EPA be extended to continue to provide inspectors to assist with the regulatory oversight of demolitions and resultant debris disposal.

On November 19, 2007, FEMA extended the IAA between FEMA and EPA until February 29, 2008. This extension allowed LDEQ to continue working with EPA contractors to regulate demolitions and the removal of hazardous waste. Upon further review of the current status of work, FEMA is agreeable to extending the current IAA with EPA through August 29, 2008.

In addition to the IAA extension, FEMA is interested in an extension of the No Action Assurance provided by EPA to allow for an expedited demolition process. This No Action Assurance provided additional flexibility for the LDEQ to facilitate demolition activities. FEMA strongly encourages EPA to exercise its enforcement discretion and grant an extension of the No Action Assurance through August 29, 2008.

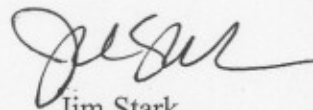
Also in our November 19, 2007, letter, FEMA requested that EPA provide an exit strategy to ensure the transition between EPA, USACE, and LDEQ was seamless. To date, we have not received an exit strategy, which further supports the necessity to extend the IAA and No Action Assurance. Please provide an assessment of the work anticipated through August 29, 2008 and a status update on an exit strategy which will facilitate transition of work to LDEQ as soon as possible, but no later than March 31, 2008.

Mr. Sam Coleman
February 19, 2008
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Furthermore, FEMA is requesting timely reports to the Operations Section to include a De-obligation Plan, Interagency Agreement Monthly Progress Reports, and Sub-contractor Reports. FEMA's Contracting Officer's Technical Representatives (COTRs), LaDonna Walker and Gwendolyn Kelly, should be included on all emails and correspondence moving forward.

As always, I look forward to your timely resolution of the requirements set forth in the letter. Your assistance with both disasters is extremely important to both the State of Louisiana and local municipalities to which we serve. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Stark', with a stylized, cursive script.

Jim Stark
Director
Louisiana Transitional Recovery Office

cc: Paul Rainwater, Executive Director, LRA
Col. Thomas Kirkpatrick, SCO, GOHSEP
Harold Leggett, Assistant Secretary, LDEQ